

<b>Notice of Allowability</b>	Application No.	Applicant(s)	
	10/003,572	DUBE, ROGER R.	
	Examiner	Art Unit	
	Ronald Baum	2136	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 7/24/06.
2. ☒ The allowed claim(s) is/are 1-26, 28 and 29.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.


Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

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| <ol style="list-style-type: none"> <li>1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)</li> <li>2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</li> <li>3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br/>Paper No./Mail Date _____</li> <li>4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br/>of Biological Material</li> </ol> | <ol style="list-style-type: none"> <li>5. <input type="checkbox"/> Notice of Informal Patent Application</li> <li>6. <input type="checkbox"/> Interview Summary (PTO-413),<br/>Paper No./Mail Date _____</li> <li>7. <input type="checkbox"/> Examiner's Amendment/Comment</li> <li>8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance</li> <li>9. <input type="checkbox"/> Other _____</li> </ol> |
|--|--|

NASSER MOAZZAMI  
 SUPERVISORY PATENT EXAMINER  
 TECHNOLOGY CENTER 2100

  
 9, 28, 06

**DETAILED ACTION*****Examiner's Statement of Reasons for Allowance***

1. This action is in reply to applicant's appeal brief correspondence filed of 24 July 2006. Upon further review and consideration of the arguments put forth in the appeal brief, and associated pre-appeal discussions, the examiner finds the applicant's arguments to be persuasive.

2. Claims 1-26, 28 and 29 are allowed over prior art.

3. The following is an examiner's statement of reasons for the indication of allowable claimed subject matter.

4. As per claims 1, 15 and 26 generally, prior art of record, Fischer, U.S. Patent 5,659,617, fails to teach alone, or in combination, other than via hindsight, at the time of the invention, the features as discussed and remarked upon in the response of 7/24/2006 to office action of 1/17/2006.

Specifically, (as per claim 1, for example) prior art dealing with digital/analog signal propagation/timing differences, clock skewing, etc., as applied to generation of cryptographic information in general, and key information more specifically (i.e., 'true random number generator' randomness applications), is known to exist per se, (i.e., Fischer, Viktor, et al, 'SIMPLE PLL-BASED TRUE RANDOM NUMBER GENERATOR FOR EMBEDDED DIGITAL SYSTEMS', IEEE workshop on Design and Diagnostics of Electronic Circuits and Systems, 4/18-21/2004, entire document, [www.best.tuke.sk/simka/download/pub/fis\\_dru\\_sim\\_cel\\_04.pdf](http://www.best.tuke.sk/simka/download/pub/fis_dru_sim_cel_04.pdf)). Nowhere in the prior art is found collectively the *italicized* claim elements (i.e., remote source generation of first and second timing signals, the *delay in reception* at a computer used as a basis for key generation as further combined with computer specific '*operating*

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*environment*' identification criteria so as to provide a cryptographic key used for encryption/subsequent decryption), at the time of the invention; serving to patently distinguish the invention from said prior art;

"1. A method for protecting electronic files, comprising:

receiving *first and second timing signals* from

*a remote source* using a receiver;

computing *a delay number, the delay number being*

*a measure of a variation between*

*arrival times of the first and*

*second timing signals at the receiver;*

obtaining environment information regarding a computer,

the *environment information including*

*the delay number and*

*data concerning an operating environment of the*

*computer;*

creating an encryption key based on

*the environment information;* and

*encrypting an electronic file using*

*the encryption key."*

5. Dependent claims 2-14, 16-25 and 28-29 are allowable by virtue of their dependencies.



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*Conclusion*

6. Any inquiry concerning this communication or earlier communications from examiner should be directed to Ronald Baum, whose telephone number is (571) 272-3861, and whose unofficial Fax number is (571) 273-3861 and unofficial email is Ronald.baum@uspto.gov. The examiner can normally be reached Monday through Thursday from 8:00 AM to 5:30 PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser Moazzami, can be reached at (571) 272-4195. The Fax number for the organization where this application is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. For more information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ronald Baum

Patent Examiner

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9,28,06

